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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/774,547  | 02/09/2004  | Frank W. Cunningham  |                     | 8966             |
| 7590  | 12/29/2004  |                      | EXAMINER            |                  |
| Lee W. Tower<br>19 Saddle Road<br>Rancho Palos Verdes, CA 90275 |             |                      | ACQUAH, SAMUEL A    |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 1711                |                  |

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                  |                      |
|------------------------------|------------------|----------------------|
| <b>Office Action Summary</b> | Application No.  | Applicant(s)         |
|                              | 10/774,547       | CUNNINGHAM, FRANK W. |
|                              | Examiner         | Art Unit             |
|                              | SAMUEL A. ACQUAH | 1711                 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-28 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-28 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

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### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 5, 11, 12, 14, 19, 20, 22, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Darras 5,817,433.

The cited prior art discloses a cut and puncture resistant surgical glove and its composition and method of making. The composition comprises particulate material of powders of metal compounds such silicon carbide coated in polymeric material so as to form aggregates of microspheres coated in polymer, thereby forming macropsheres. The composition id molded to form articles such as surgical gloves. See the abstract, Figure 2, and column 2.

2. Claims 1-6, 11-15, and 23 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Oakley et al 6,080,474.

This prior art discloses polymeric articles such as surgical gloves having improved cut-resistance, and comprising hard filler material which may be round-shaped, in a coating of polymeric material. Examples of the filler material include alumina, iron, and metal alloys. The filler is added to the polymer by conventional methods such as by mixing the filler with molten polymer under conditions sufficient to

provide a uniform distribution of the filler in the polymer, such as by extrusion in a twin-screw extruder. See columns 4, 5, 7, and 8.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-10, 16-22, and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oakley et '474.

The cited prior art discussed supra teaches that polymer used in making the composite surgical glove may be a polyolefin such as PE, and the coated filler may be a round-shaped metal such as claimed in an array(s) of coated fillers which obviously forms macrospheres. See columns 4-5, and 7-8. It is the Examiner's position that the formation of puncture resistant materials such as claimed would have been obvious based on the disclosures of the cited prior art.

4. Other references listed on PTO-1449 have been made part of the record.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMUEL A. ACQUAH whose telephone number is 571-272-1065. The examiner can normally be reached on M-TH, FRIDAYS OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JAMES SEIDLECK can be reached on 571-272-1078. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S.A.A.  
12/22/04

  
SAMUEL A. ACQUAH  
PRIMARY EXAMINER  
GROUP 1200 1700